

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JEAN-ROBERT CADET

Plaintiff,

v.

**MADEIRA CITY SCHOOL
DISTRICT BOARD OF
EDUCATION, et al.**

Defendants.

: Case No. C-1-01-131

: Honorable Judge Weber

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: Magistrate Judge Hogan

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: PLAINTIFF'S EXCEPTIONS AND

: OBJECTIONS TO DEFENDANTS'

: BILL OF COSTS

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Plaintiff Jean-Robert Cadet submits these preliminary exceptions and objections to the Bill of Costs filed by Defendants. Pursuant to the procedures of this court, "Guidelines for Attorneys Taxation of Court Costs In The Southern District of Ohio," Plaintiff reserves the right to file a Motion to Review The Clerk's Taxation of Costs following any action taken by the Clerk on Defendants' Bill of Costs.

MEMORANDUM

Plaintiff submits that the following items submitted by Defendants as taxable costs are inappropriate as taxable costs by law and the custom and practice of this court:

(1) Mileage fees for witness Clare Stork from Columbus, Ohio, of 224 miles. Columbus is not within the Southern District, and the fees for this should be limited to 100 miles, or to the amount of **\$36.00**, not \$80.64.

(2) Plaintiff respectfully asserts that no fees for depositions should be allowed as costs, because the practice of this Court is to require prior approval by the Court, which Defendants never obtained. In the alternative, Plaintiff asserts that costs for copies are not taxable.

Defendants' Bill of Costs includes line items for copies of deposition transcripts for Christopher Mate, (**\$374.60**), Michelle Hummell, (**\$305.60**), Paul Imhoff, (**\$213.60**), Kay Fluharty, (**\$95.00**), Richard Schneider, (**\$83.60**), Martin Strifler, (**\$114.90**), Elizabeth Vaccari, (**\$28.50**); *See Bowman v. West Disinfecting Company* (E.D. N.Y. 1960), 25 F.R.D. 280, 285, ft. nt. 14, (Costs of copies of deposition transcripts are not taxable costs).

(3) Deposition subpoena service fees and mileage for service of same upon Cindy Cadet of **\$40.00** are not appropriate.

(4) This results in a reduced amount of **\$1,906.41**

/s/ W. Kelly Lundrigan

W. Kelly Lundrigan (0059211)

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Attorneys for Plaintiff

Jean-Robert Cadet

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Exceptions and Objections are being served via electronic notification through the court to all parties entitled to service under Rule 5 of the Federal Rules of Civil Procedure on the 18th day of December, 2003.

/s/ W. Kelly Lundrigan
W. Kelly Lundrigan

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